

### **Remarks**

Claims 1-18 and newly added claims 19-32 are pending in the subject application and are subject to a restriction requirement.

#### **Requirement for restriction under 35 U.S.C. 121**

In the October 7, 2002 Office Action, the Examiner required restriction under 35 U.S.C. § 121 to one of the following allegedly independent and distinct inventions:

##### **SET-I**

I. Claims I-3, drawn to a method of treating a disease of metabolite accumulation in macrophages, wherein the metabolite is GL1 by administering a bisphosphonate compound, classified in class 514, subclass 1.

V. Claims 1 and 5, drawn to a disease of sphingomyelin accumulation in macrophages, by administering a bisphosphonate compound, classified in class 514, subclass 1.

##### **SET-II**

II. Claims 1 and 4, drawn to a method of treating a disease of GL1 accumulation in macrophages, by administering a bisphosphonate compound and purified recombinant glucocerebroside, classified in class 514, subclass 2.

VI. Claims 1, 5 and 6, drawn to a method of treating a disease of sphingomyelin accumulation in macrophages, by administering a bisphosphonate compound and purified recombinant sphingomyelinase, classified in class 514, subclass 2.

##### **SET-III**

III. Claims 7-8, drawn to a method of treating a disease of GL1 accumulation in macrophages, by administering a bisphosphonate compound and a gene therapy vector encoding glucocerebrosidase, classified in class 514, subclass 44.

IX. Claims 7 and 12, drawn to a method of treating a disease of alpha galactosidase accumulation in macrophages, by administering a bisphosphonate compound and a gene therapy vector encoding alpha galactosidase, classified in class 514, subclass 1.

XIII. Claims 7 and 16, drawn to a method of treating a disease of alpha-L-iduronidase accumulation in macrophages, by administering a bisphosphonate compound and a gene therapy vector encoding alpha-L- iduronidase, classified in class 514, subclass 1.

IV. Claims 7-9, drawn to a method of treating a disease of GL1 accumulation in macrophages, by administering a bisphosphonate compound, purified recombinant glucocerebrosidase and a gene therapy vector encoding glucocerebrosidase, classified in class 514, subclass 44.

XI. Claims 7 and 14, drawn to a method of treating a disease of alpha glucosidase accumulation in macrophages, by administering a bisphosphonate compound and a gene therapy vector encoding alpha glucosidase, classified in class 514, subclass 1.

#### SET-IV

VII. Claims 7 and 10, drawn to a method of treating a disease of sphingomyelin accumulation in macrophages, by administering a bisphosphonate compound, purified recombinant sphingomyelinase and a gene therapy vector encoding sphingomyelinase, classified in class 514, subclass 44.

VIII. Claims 7, 10 and 11, drawn to a method of treating a disease of sphingomyelin accumulation in macrophages, by administering a bisphosphonate compound, purified recombinant sphingomyelinase and a gene therapy vector encoding sphingomyelinase, classified in class 14 , subclass 44.

X. Claims 7, 12 and 13, drawn to a method of treating a disease of alpha galactosidase accumulation in macrophages, by administering a bisphosphonate compound, purified recombinant alpha-galactosidase and a gene therapy vector encoding alpha-galactosidase, classified in class 514, subclass 44.

XII. Claims 7, 14 and 15, drawn to a method of treating a disease of alpha glucosidase accumulation in macrophages, by administering a bisphosphonate compound, purified recombinant alpha glucosidase and a gene therapy vector encoding alpha glucosidase, classified in class 514, subclass 11.

XIV. Claims 7, 16 and 17, drawn to a method of treating a disease of alpha-L-iduronidase accumulation in macrophages, by administering a bisphosphonate compound, purified

recombinant alpha -L-iduronidase and a gene therapy vector encoding alpha -L-iduronidase, classified in class 514, subclass 44.

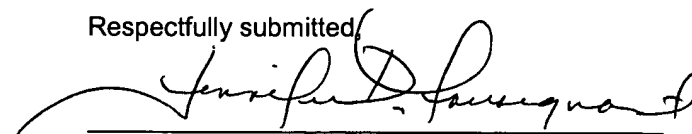
SET-V

XV. Claims 7 and 18, drawn to method of treating metabolite accumulation in macrophages, by administering a bisphosphonate compound, a gene therapy vector that encodes a compound that breaks down the metabolite and a compound that inhibits macrophages or depletes macrophages, classified in class 514, subclass 1.

Applicants hereby elect Group IX comprising claims 7, 12, and newly added claims 19-32, which Applicants assert are properly considered as part of Group IX. As noted by the Examiner (page 5 of the Restriction Requirement), claims 7 and newly added claim 19 are common to the inventions of Groups III, IV, and VI-XV and are thus linking claims. Therefore, this election is made without traverse to the extent that it is understood that upon allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claims depending from or otherwise including all the limitations of the allowable linking claims will be entitled to examination in the instant application.

No fee is deemed necessary in connection with the filing of this communication. However, if any fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 07-1074.

Respectfully submitted,



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